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Dated: June 27, 2006

Signature:

(Anthony A. Laurentano)

Docket No.: SIW-074RCE2  
(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Hibiki Saeki *et al.*

Allowed: February 23, 2006

Application No.: 10/723942

Confirmation No.: 9424

Filed: November 26, 2003

Art Unit: 3661

For: CONTROL APPARATUS FOR FUEL CELL  
VEHICLE

Examiner: C. H. Nguyen

JUN 27 2006

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## OFFICE OF PETITIONS

PETITION TO WITHDRAW APPLICATION FROM  
ISSUE PURSUANT TO 37 CFR 1.313(c)(2)MS 313(c)  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Petitioner hereby petitions the Commissioner to withdraw the above-identified application from issue. The Issue Fee in this application was timely paid on May 22, 2006.

Please charge our Deposit Account No. 12-0080 in the amount of \$920.00 covering the fees set forth in 37 CFR 1.17(h) and 1.17(e).

Petitioner respectfully petitions that the above-identified application be withdrawn from issue pursuant to 37 CFR 1.313(c)(2). Petitioner encloses herewith a Request for Continued Examination (RCE) and an Information Disclosure Statement (IDS) pursuant to this provision. The IDS submits art with the USPTO that was first cited in the counterpart Japanese application. Petitioner believes it appropriate to submit the art with the USPTO for consideration.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 12-0080, under Order No. SIW-074RCE2.

06/28/2006 CKHLOK 00000003 120080 10723942

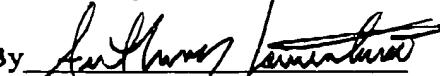
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Application No.: 10/723942

Docket No.: SIW-074RCE2

Dated: June 27, 2006

Respectfully submitted,

By   
Anthony A. Laurenzano  
Registration No.: 18,220  
LAHIVE & COCKFIELD, LLP  
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Boston, Massachusetts 02109  
(617) 227-7400  
(617) 742-4214 (Fax)  
Attorney/Agent For Applicants

PTO/5B/17b (11-05)

Approved for use through 7/31/2007. OMB 0851-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>PETITION FEE</b>		Application Number	10/723942-Conf. #9424
<b>Under 37 CFR 1.17(f), (g) &amp; (h)</b>		Filing Date	November 26, 2003
<b>TRANSMITTAL</b> (Fees are subject to annual revision)		First Named Inventor	HIBIKI SAEKI
Send completed form to: MS 313(c) Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450		Art Unit	3661
		Examiner Name	C. H. Nguyen
		Attorney Docket Number	SIW-074RCE2

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OFFICE OF PETITIONS

Enclosed is a petition filed under 37 CFR 1.313 that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 130.00 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17.

**Payment of Fees** (small entity amounts are NOT available for the petition fees).

The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 12-0080 :  
 petition fee under 37 CFR 1.17(f), (g) or (h)  any deficiency of fees and credit of any overpayments  
 Enclose a duplicative copy of this form for fee processing.

Check in the amount of \$ \_\_\_\_\_ is enclosed.

Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

**Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1482**

For petitions filed under:

§ 1.39(a) – for revocation of a power of attorney by fewer than all applicants.  
 § 1.53(e) – to accord a filing date.  
 § 1.87(a) – to accord a filing date.  
 § 1.182 – for decision on a question not specifically provided for.  
 § 1.183 – to suspend the rules.  
 § 1.378(a) – for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.  
 § 1.741(b) – to accord a filing date to an application under § 1.740 for extension of a patent term.

**Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1483**

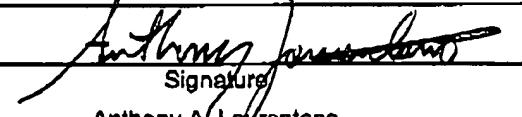
For petitions filed under:

§ 1.12 – for access to an assignment record.  
 § 1.14 – for access to an application.  
 § 1.47 – for filing by other than all the inventors or a person not the inventor.  
 § 1.58 – for expungement of information.  
 § 1.103(a) – to suspend action in an application.  
 § 1.136(b) – for review of a request for extension of time when the provisions of section 1.138(a) are not available.  
 § 1.205 – for review of refusal to publish a statutory invention registration.  
 § 1.296 – to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.  
 § 1.377 – for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.  
 § 1.650(c) – for patent owner requests for extension of time in *ex parte* reexamination proceedings.  
 § 1.058 – for patent owner requests for extension of time in *inter partes* reexamination proceedings.  
 § 5.12 – for expedited handling of a foreign filing license.  
 § 5.18 – for changing the scope of a license.  
 § 5.26 – for retroactive license.

**Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1484**

For petitions filed under:

§ 1.19(g) – to request documents in a form other than that provided in this part.  
 § 1.84 – for accepting color drawings or photographs.  
 § 1.91 – for entry of a model or exhibit.  
 § 1.102(d) – to make an application special.  
 § 1.138(c) – to expressly abandon an application to avoid publication.  
 § 1.313 – to withdraw an application from issue.  
 § 1.314 – to defer issuance of a patent.

  
 Signature: \_\_\_\_\_

June 27, 2006

Date: \_\_\_\_\_

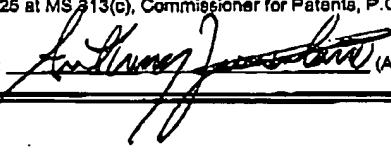
Anthony A. Laurentano  
 Typed or printed name

38,220

Registration No., if applicable

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Dated: June 27, 2006

Signature:   
 (Anthony A. Laurentano)

**FAX TRANSMISSION****FAX RECEIVED**

JUN 27 2006

**DATE:** June 27, 2006**PTO IDENTIFIER:** Application Number 10/723942-Conf. #9424 **OFFICE OF PETITIONS**  
Patent Number**Inventor:** Hibiki SAEKI et al.**MESSAGE TO:** Office of Petitions, ATTENTION KAREN CREASY**FAX NUMBER:** (571) 273-0025**FROM:** LAHIVE & COCKFIELD, LLP

Anthony A. Laurentano

**PHONE:** (617) 227-7400**Attorney Dkt. #:** SIW-074RCE2**PAGES (Including Cover Sheet):** 35**CONTENTS:** Petition to Withdraw Application From Issue (RCE) (2 pages)  
Petition Fee Transmittal (1 page in duplicate)  
Request for Continued Examination Transmittal (1 page)  
Fee Transmittal (1 page in duplicate)  
Request for Change of Attorney Docket Number (1 page)  
Information Disclosure Statement (2 pages)  
IDS (Citation by Applicant)/SB-08 (1 page)  
Copies of three (3) references cited  
Charge \$920.00 to deposit account 12-0080  
Certificate of Transmission (1 page)

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